

07/26/05 loc 47

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#21

EXPRESS MAIL NO. EV644216174US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 28 2005

OFFICE OF PETITIONS

In re Application of:)
John Turak, Anson Flake) Group Art Unit: 3764
Serial No. 09/369,508) Examiner: Richman, G.
Filed: 8/6/99)
For: COMBINATION SWIMMING, WALKING)
RUNNING, MASSAGE, THERAPEUTIC)
AND RECREATIONAL DEVICE)
)
)

Mail Stop Petition
Commissioner For Patents
Attention: Liana Chase
07/27/2005 MAHMED1 00000058 09369508
Alexandria, VA 22313-1450

01-FC:2801 395.00-OP

RENEWED PETITION UNDER §1.137(b)

To the Commissioner:

This Renewed Petition is in response to the Notice from the Office of Petitions dated July 20, 2005. Applicant is submitting the requested fees and items and respectfully renews its Petition. These items enclosed include:

1. The formal drawings, as the Reply referenced in item 1 of the Notice.
2. The RCE fee of \$395.
3. The Petition fee of \$700.
4. The Issue fee of \$750.
5. The Issue fee form, completed.

Applicant does note, as an aside, that the Notice suggested

07/27/2005 MAHMED1 00000058 09369508

02 FC:2453

750.00 OP

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| 01 FC:2801

395.00 OP

that the Petition to Revive was entered February 26, 2004. In fact, the Petition was sent July 31, 2002 as noted on the Certificate of Service. After some time passed in attempting to determine the status, it was February 24, 2004, at the request of Larry Schwartz at the PTO, that applicant faxed a copy of the previously filed Petition to the PTO. Previously the Petition could not be located. It was ultimately determined that the file was lost. Consequently the filing date of the Petition should have been July 31, 2002. This date is significant because the procedure at that time (2002) did in fact provide for a Continuing Application (CPA), as applicant submitted. The rule cited in the Notice that referred to the elimination of CPA procedures was effective July 14, 2003. Consequently, no submission (with an RCE) was in fact necessary when the Petition to Revive was filed in 2002. Moreover, the office notes that the fees were not enclosed. The entire Petition, with check for the Petition fee and CPA fee were enclosed as referenced in the certificate of mailing dated July 31, 2002.

Nevertheless, to comply with the current Notice, applicant is submitting the items and fees referenced.

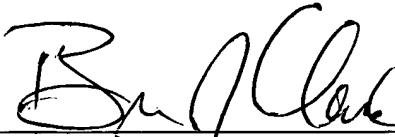
Applicant respectfully requests that the Petition to Revive be reconsidered, with these submissions.

Respectfully submitted,

Date: 7/25/05

WRIGHT, HENSON, CLARK, HUTTON, MATRIC
and GRAGSON, LLP
Commerce Bank Building Downtown, 2nd
Floor
100 E. 9th Street, P. O. Box 3555
Topeka, Kansas 66601-3555
(785) 232-2200

By



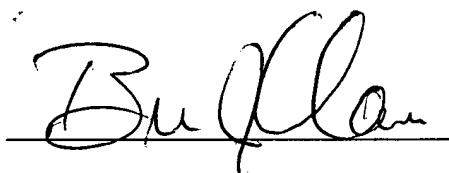
Bruce J. Clark, #31,339
Attorney for Applicant

CERTIFICATE OF MAILING
BY EXPRESS MAIL

I hereby certify that the above referenced Notice of RENEWED PETITION UNDER §1.137(b), with fees in the amount of \$ 1845.00, ~~drawings~~, and Issue Fee Form, is being mailed by Express Mail, Post Office to Addressee, Express Mail No. EV 644216174 US addressed to:

Mail Stop Petition
Commissioner For Patents
Attention: Liana Chase
Alexandria, VA 22313-1450

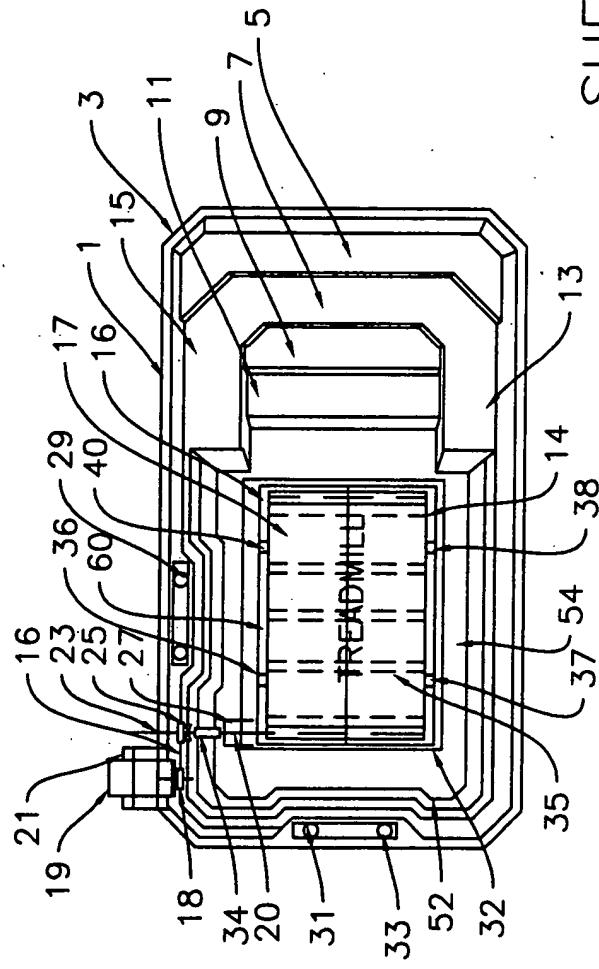
on July 25, 2005.



Bruce J. Clark, #31,339
Attorney for Applicant



SHEET 1 OF 7



1

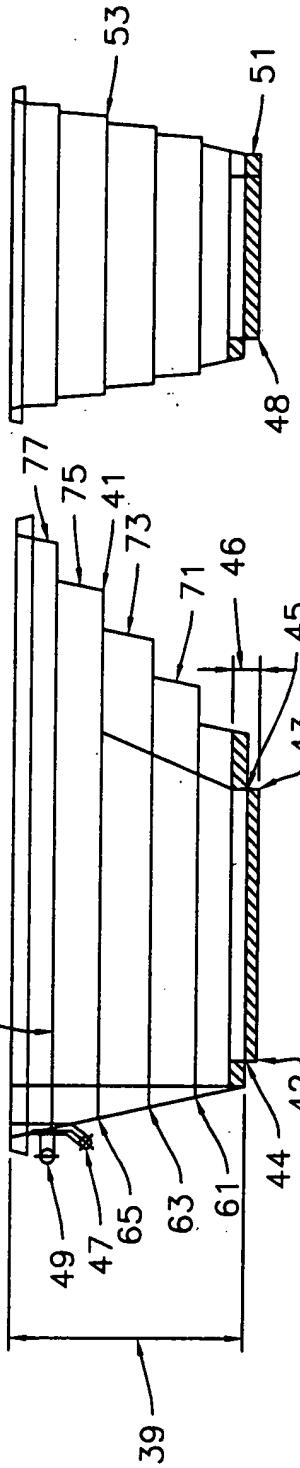
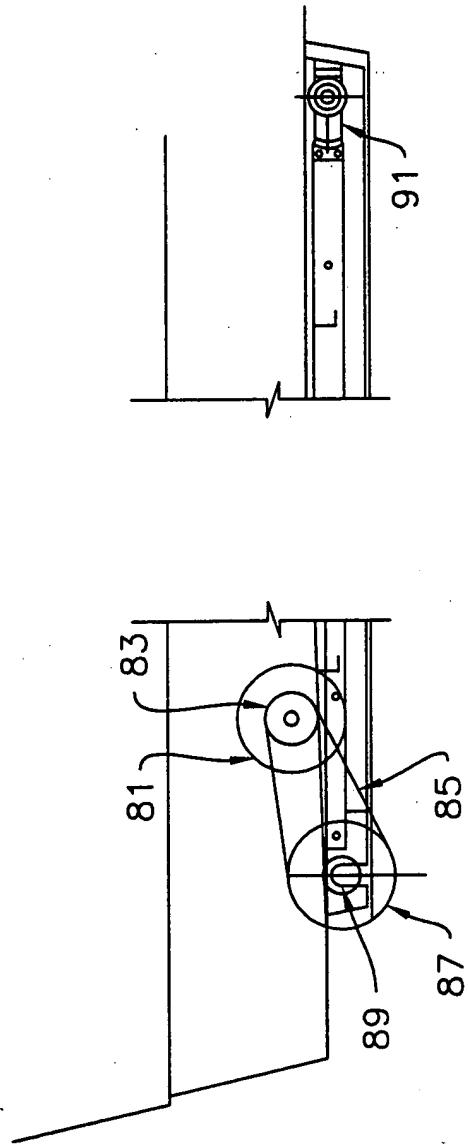


FIG. 2 FIG. 3

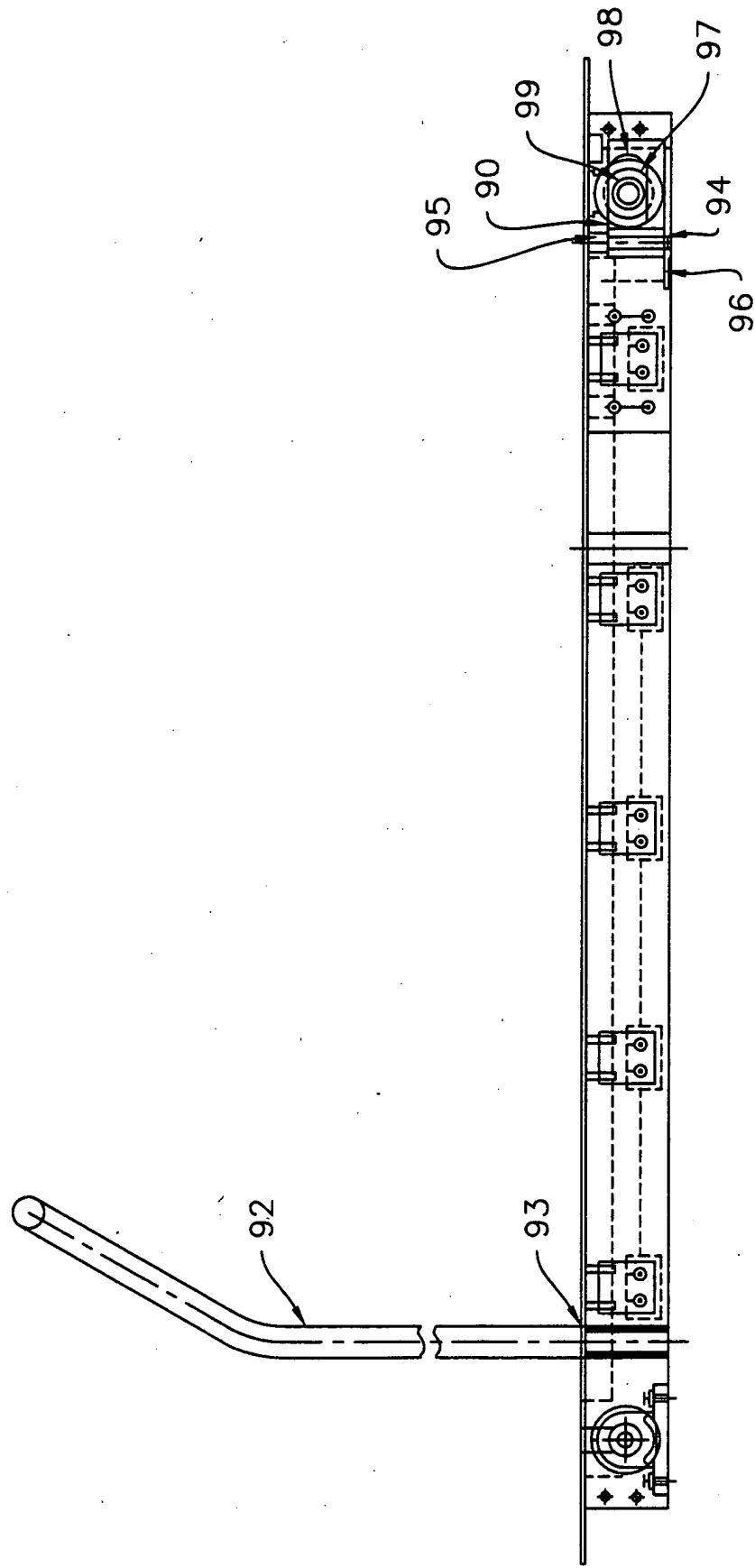
SHEET 2 OF 7

FIG. 4



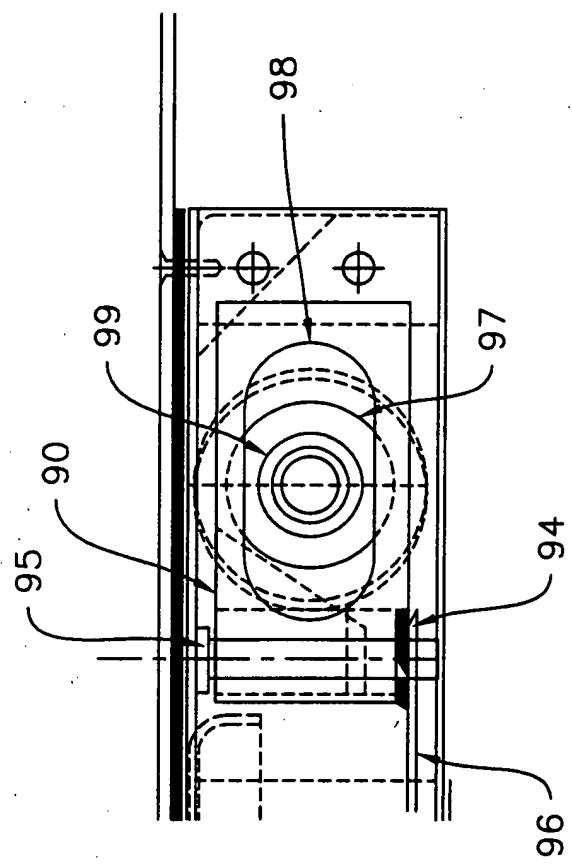
SHEET 3 OF 7

FIG. 5



SHEET 4 OF 7

FIG. 6



QIIPR
JUL 25 2005
DATE

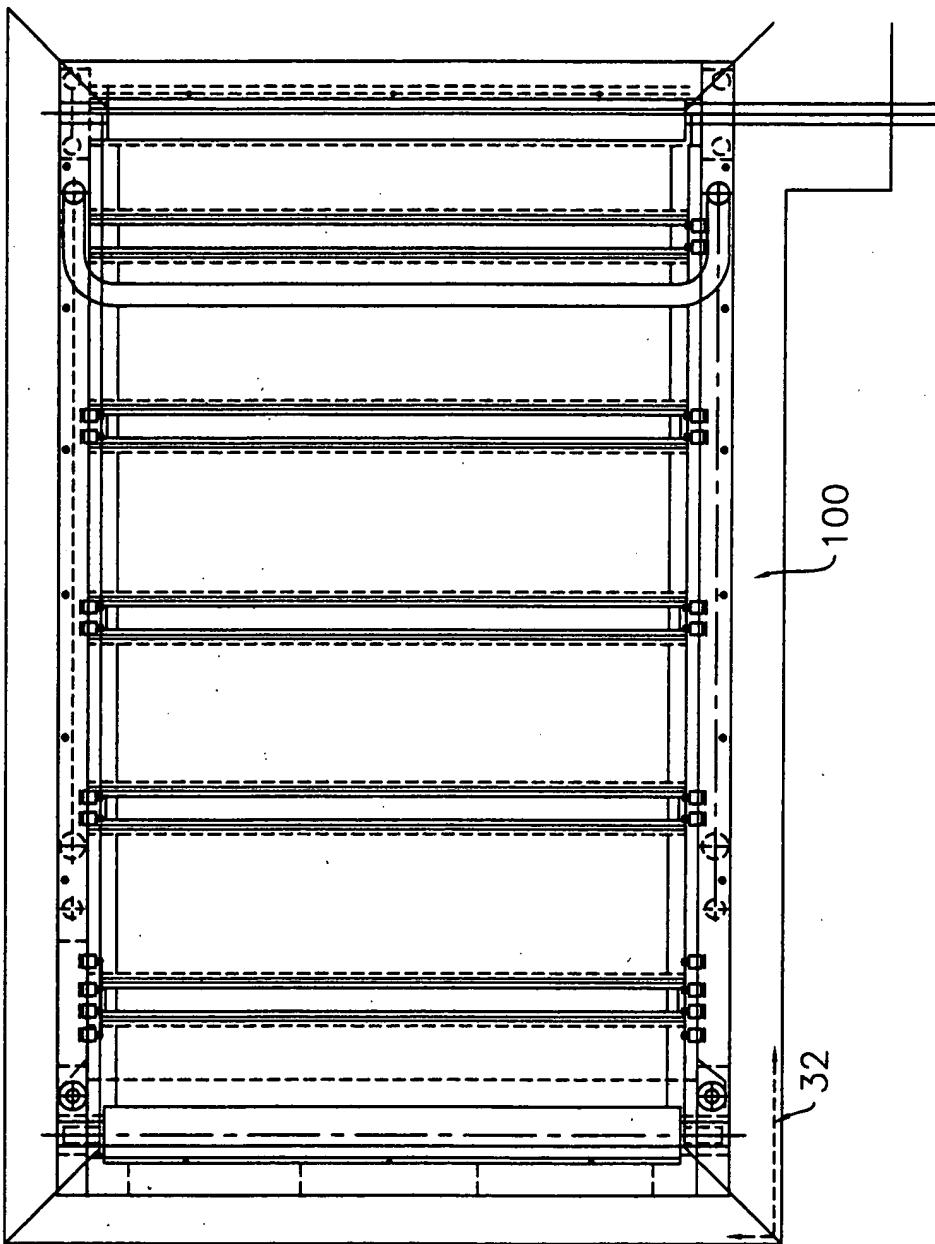


FIG. 7 SHEET 5 OF 7

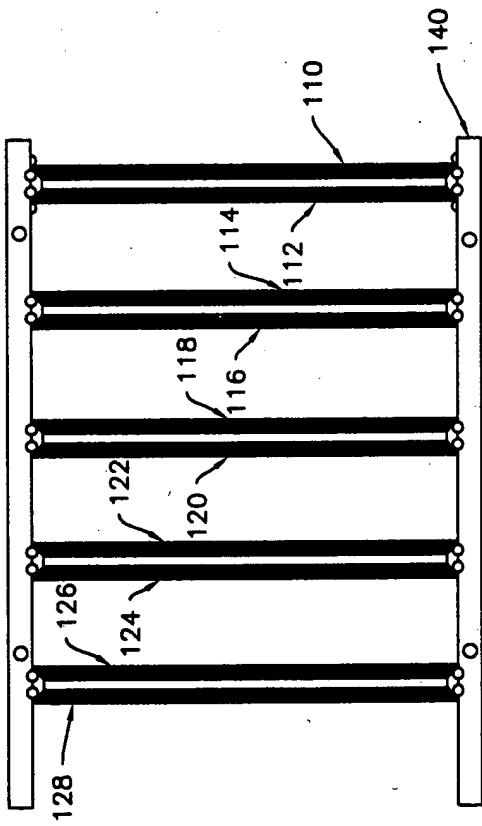


FIG. 8(a)

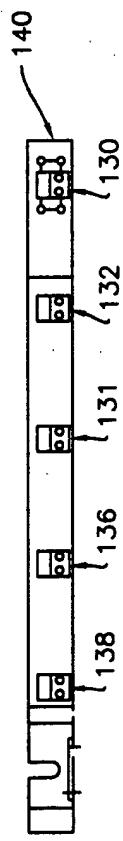
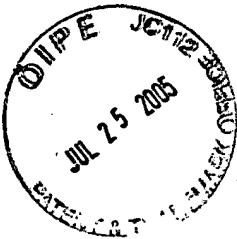
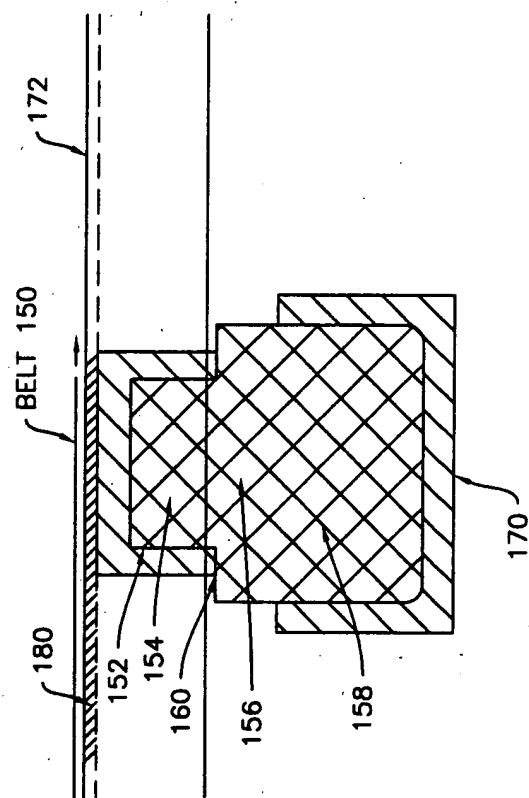


FIG. 8(b)

SHEET 6 OF 7

SHEET 7 OF 7

FIG. 9



JUL-26-2005 TUE 12:29 PM WRIGHT HENSON LAW FIRM

FAX NO. 7852323344

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JUL 26 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
John Turak, Anson Flake)
Serial No. 09/369,508)
Filed: 8/6/99)
For: COMBINATION SWIMMING, WALKING)
RUNNING, MASSAGE, THERAPEUTIC)
AND RECREATIONAL DEVICE)
)
)

Group Art Unit: 3764
Examiner: Richman, G.

Mail Stop Petition
Commissioner For Patents
Attention: Nancy Johnson ✓
Alexandria, VA 22313-1450

REQUEST NOT TO ACT ON RCE

To the Commissioner:

Applicant has, on July 25, 2005, submitted an RCE fee as part of applicant's Renewed Petition submitted July 25, 2005, all in response to the Notice from the Office of Petitions dated July 20, 2005.

Applicant hereby requests that the RCE not be acted upon, that the case be revived on the previous Notice of Allowability, and revived for issuance (the issue fee was submitted on July 25 with the Renewed Petition, formal drawings, and petition fee).

Applicant requests that the \$395 RCE fee submitted on July 25, 2005 be refunded.

Respectfully submitted,

Date: 7/26/05

WRIGHT, HENSON, CLARK, HUTTON, MUDRICK
and GRAGSON, LLP
Commerce Bank Building Downtown, 2nd
Floor
100 E. 9th Street, P. O. Box 3555
Topeka, Kansas 66601-3555
(785) 232-2200

By Bruce J. Clark
Bruce J. Clark, #31,339
Attorney for Applicant

CERTIFICATE OF MAILING
BY EXPRESS MAIL

I hereby certify that the above referenced REQUEST NOT TO
ACT ON RCT' was submitted by fax on July 26, 2005, to fax number
571-273-8300.

Bruce J. Clark

Bruce J. Clark, #31,339
Attorney for Applicant

EXP. MAIL
NO. EV 644216174 US

PART B - FEE(S) TRANSMITTAL

Complete and mail this form, together with applicable fee(s), to:

Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590 01/23/2002

WRIGHT HENSON SOMERS SEBELIUS
CLARK & BAKER LLP
100 E 9TH STREET
PO BOX 3555
TOPEKA, KS 666013555
07/27/2005 WASFAW2 00000101 09369508

01 FC:2501

700.00 OP



Note: The certificate of mailing below can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09369,508	08/06/1999	JOHN A. TURAK		6881

TITLE OF INVENTION: COMBINATION SWIMMING, WALKING, RUNNING, MASSAGE, THERAPEUTIC, AND RECREATIONAL DEVICE

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
6	nonprovisional	YES	\$640	\$0	\$640 700	04/23/2002

EXAMINER	ART UNIT	CLASS-SUBCLASS
RICHMAN, GLENN E	3764	482-054000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 BRUCE J. CLARK

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

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JUL 28 2005

OFFICE OF PETITIONS

Please check the appropriate assignee category or categories (will not be printed on the patent)

individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

Issue Fee

Publication Fee

Advance Order - # of Copies _____

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

Bruce Clark

(Date)
7/25/05

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, United States Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington, D.C. 20231

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TRANSMIT THIS FORM WITH FEE(S)